

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

By the present amendment, claims 2 and 11 have been cancelled, claims 1 and 10 have been amended, and claims 37-44 have been added. Claims 1, 2-10, 12-21, 23-30, 32-35, and 37-44 are pending in the application. Claims 31 and 36 have been allowed.

The Office Action of November 6, 2001 stated that claims 2 and 11 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. By the present amendment, claims 2 and 11 have been cancelled. Claims 1 and 10 have been amended to include, substantially, the limitations of claims 2 and 11, respectively. Therefore, it is respectfully submitted that claims 1 and 11 are allowable. Claims 3-9, 23-27, and 32 depend either directly or indirectly from claim 1 and are therefore allowable as depending from an allowable claim as well as for the specific limitations recited therein. Claims 12-17, 28-30, and 33 depend either directly or indirectly from claim 11 and are therefore allowable as depending from an allowable claim as well as for the specific limitations recited therein.

The Office Action also stated that claims 4, 8, 13, 16, 24, 29, 34, 35 would also be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. New claims 37-44 include the limitations of claims 4, 8, 13, 16, 24, 29, 34, and 35,

respectively, including their respective base claims and any intervening claims, and are therefore allowable.

Claims 18-21 stand rejected in the Office Action. In the Office Action, claim 18 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,231,078, issued to Kokeguchi.

Claim 18 recites an inflatable vehicle occupant protection device that is inflatable into a position between the side structure of the vehicle and a vehicle occupant and an inflator for providing inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds. The inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds consists essentially of an inflation fluid stored under pressure. The inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds consists essentially of helium.

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials and those that do not materially affect the basic and novel characteristics of the claimed invention. *In re Herz* (emphasis added, See MPEP §2111.03). Claim 18 thus recites an inflation fluid for inflating the inflatable vehicle occupant

protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds, wherein the inflation fluid is limited to an inflation fluid stored under pressure and wherein the inflation fluid is limited to helium.

In Kokeguchi, both of the disclosed embodiments include a stored gas in the form of helium and argon. See column 2, lines 55-57 (first embodiment) and column 5, lines 9-11 (second embodiment). Also, in Kokeguchi, both of the disclosed embodiments include an enhancer in the form of a gas generating agent for supplementing the stored gas. See item 12 in Fig. 1, described at column 3, lines 10-12 (first embodiment), and item 34 in Fig. 2, described at column 5, lines 47-49 (second embodiment). The enhancer is ignited to produce a high temperature, high pressure gas. See column 3, lines 53-55. The enhancer adds heat and pressure to the stored gas of the inflator. See column 3, lines 60-64.

Kokeguchi discloses a combination of stored gasses, i.e., helium and argon, that is supplemented by igniting an enhancer to produce a high temperature, high pressure gas. This high temperature, high pressure gas is added to the stored gas. Kokeguchi clearly is not limited to an inflation fluid stored under pressure wherein the inflation fluid is limited to helium. Therefore, Applicants respectfully submit that Kokeguchi does not teach or suggest all of the elements recited in claim 18 and the rejection under 35 U.S.C. §102(e) should be withdrawn.

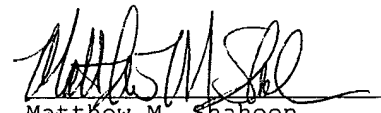
For the reasons stated above, Applicants respectfully submit that claim 18, as amended, is allowable. Claims 19-21, depending from claim 18, are thus allowable as being dependent on an allowable claim and also for the specific reasons recited therein.

Attached is a marked-up version of the amended claims presented in this Amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

  
Matthew M. Shaheen  
Reg. No. 45,367

TAROLLI, SUNDHEIM, COVELL,  
TUMMINO & SZABO L.L.P.  
1111 Leader Building  
526 Superior Avenue  
Cleveland, Ohio 44114-1400  
Phone: (216) 621-2234  
Fax: (216) 621-4072



Serial No. 09/371,776

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1 and 10 have been amended as follows:

1. (Twice Amended) An apparatus for providing inflation fluid to inflate an inflatable vehicle occupant protection device, said apparatus comprising:

a container storing inflation fluid under pressure, said container having an outlet passage through which inflation fluid flows from said container;

a rupturable closure member fixed to said container and blocking flow of inflation fluid through said passage;

a support for said rupturable closure member defining a chamber adjacent said rupturable closure member, said rupturable closure member having a first portion spaced from an open first end of said support prior to said inflation fluid being introduced into said container, said rupturable closure member having a first portion being deformed into said chamber by the pressure of the inflation fluid when introduced into said container, said rupturable closure member having and a second ring-shaped portion encircling said first portion outside of said chamber; and

an initiator which, when actuated, ruptures said closure member by shearing said first portion from said second portion.

10. (Amended) An apparatus comprising:

an inflatable vehicle occupant protection device for inflation between a vehicle occupant and a side structure of the vehicle;

a container storing inflation fluid under pressure for inflating said inflatable vehicle occupant protection device, said container having an outlet passage through which inflation fluid flows from said container toward said vehicle occupant protection device;

a rupturable closure member fixed to said container and blocking flow of inflation fluid through said passage;

a support for said rupturable closure member defining a chamber adjacent said rupturable closure member, said rupturable closure member having a first portion spaced from an open first end of said support prior to said inflation fluid being introduced into said container, said rupturable closure member having a first portion being deformed into said chamber by the pressure of the inflation fluid when introduced into said container, said rupturable closure member having and a second ring-shaped portion encircling said first portion outside of said chamber; and

an initiator which, when actuated, ruptures said closure member by shearing said first portion from said ring-shaped portion.